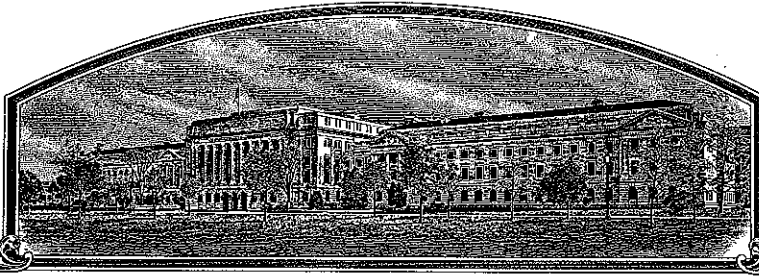


No.

200500004



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Board of Supervisors of Louisiana State University
and A&M College**

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC FURNISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE SAID APPLICANT(S) TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR PROPAGATING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED IN THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

OAT

'LA9339'

*In Testimony Whereof, I have hereunto set my hand
and caused the seal of the Plant Variety
Protection Office to be affixed at the City of
Washington, D.C. this seventh day of August, in
the year two thousand and six.*

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

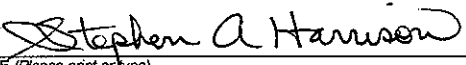


U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Board of Supervisors of Louisiana State University and A&M College		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME LA9339E45		3. VARIETY NAME LA9339	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) LSU AgCenter 104 J. Norman Efferson Hall PO Box 25055 Baton Rouge, LA 70894		5. TELEPHONE (include area code) (225) 578-2110		<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;">FOR OFFICIAL USE ONLY</p> <p style="margin: 0;">PVPO NUMBER</p> <p style="font-size: 2em; text-align: center; margin: 0;">2005 00 004</p> <p style="margin: 0;">FILING DATE</p> <p style="font-size: 1.5em; text-align: center; margin: 0;">October 8, 2004</p> </div>	
		6. FAX (include area code) (225) 578-1403			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) landgrant university		8. IF INCORPORATED, GIVE STATE OF INCORPORATION		9. DATE OF INCORPORATION	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Dr. Stephen A. Harrison LSU Agronomy Dept. 104 MB Sturgis Hall Baton Rouge, LA 70803-2110				<div style="border: 1px solid black; padding: 5px;"> <p style="margin: 0;">FILING AND EXAMINATION FEES:</p> <p style="margin: 0;">\$ 3652.00</p> <p style="margin: 0;">DATE 10/8/2004</p> <p style="margin: 0;">CERTIFICATION FEE:</p> <p style="margin: 0;">\$ 768.00</p> <p style="margin: 0;">DATE 7/12/2006</p> </div>	
11. TELEPHONE (include area code) (225) 578-2110		12. FAX (include area code) (225) 578-1403		13. E-MAIL sharrison@agctr.lsu.edu	
14. CROP KIND (Common Name) oat		16. FAMILY NAME (Botanical) Poaceae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Avena sativa		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 		SIGNATURE OF OWNER			
NAME (Please print or type) Stephen A. Harrison		NAME (Please print or type) Stephen A. Harrison			
CAPACITY OR TITLE breeder - Professor		DATE 10/04/2004		CAPACITY OR TITLE breeder - Professor	
		DATE 10/04/2004			

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvpindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See *Regulations and Rules of Practice, Section 97.103*).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

none

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

October 18, 2003. commercial sale.

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

none

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Exhibit A
Origin and Breeding History
LA9339 Oat

LA9339 was developed by the LSU Agricultural Center, Louisiana Agricultural Experiment Station. It was tested as LA9339E45 in state variety trials and the USDA Uniform Winter Oat Yield Trial regional nursery. It has been licensed to Ragan & Massey Seed Co., Inc. of Ponchatoula, LA for exclusive distribution.

The original cross, designated 9339, was the 39th designated cross made in 1993 by Dr. Stephen A. Harrison of the LSU Agricultural Center. LA9339E45 was developed from the cross:

X414/T91AB3256

X414 is from the former Coker oat breeding program (now property of Syngenta) and was donated to the USDA by Northrup-King (now Syngenta) and distributed to public oat breeders across the southern US as part of the Coker oat germplasm in 1990. It has the pedigree:

Coker 85-18//Coker 78-28/Coker 79-26.

Coker 85-18, Coker 78-28, and Coker 79-26 were breeder seed increases developed by Howard Harrison. Coker's Pedigreed Seed Company, Hartsville, SC.

Coker 85-18 is a non-released breeding line with the pedigree:

Coker 76-19/Coker 75-27*2/Coker 75-26/Coker 76-23/CI8322 where the order of the crosses is not known.

Coker 76-19 is 'Big Mac' (PVP 820021) and has the pedigree: Coker 68-16/Coker 69-26/3/Coker 68-23/Coker 68-26*4//Sg/PI287211.

CI8322 (PI292549) is an *Avena sterilis* crown rust resistant line.

The other lines are old Coker breeding lines that were not released. There is no information available on these lines.

Coker 78-28 is a non-released breeding line.

Coker 79-26 is a non-released breeding line with the pedigree: Coker 234/CMB10.

CMB10 is a breeding line from the University of Illinois (Charlie M Brown) that has barley yellow dwarf virus resistance. Its pedigree is not known. Coker 234 is described below.

T91AB3256 is a Texas A&M breeding line and a sister of the released variety TAMO 397 (PVP9800340). TAMO 397 is a re-selection from TAMO 386, derived from a single F6 plant that showed crown rust resistance. T91AB3256 was a closely related sister line of TAMO 397 that was not released. TAMO 386, TAMO 397, and T91AB3256 have the pedigree:

Coker75-12/4/Coker 227/Coker 234/3/TAMO-301/TAMO 312//CI9221/5/TAMO 312/Coker 227.

Coker 75-12 is an unrelased Coker breeding line. It was increase block number 12 in 1975.

Coker 227 (PVP7500007) and Coker 234 (PVP7500008) are sister lines released by Coker's Pedigreed Seed Company in 1976 and have *Avena sterilis* sources of crown rust resistance. Their pedigree is: Florida 500//Woodgrain/CI7330/3/Moregrain/Milford Sel./4/2* Suregrain /PI 287211 .

Florida 500 (CIAv 8023) is Florad/5/Fulgrain Strain 3/Suregrain/4/Victorgrain*2//Bond/Fulghum/3/. It was registered in Crop Science in 1967.

Woodgrain (CIAv 7077) was received in 1961 by the NPGS and has no pedigree or data available.

Suregrain (CIAv 7155) is: Arlington/Delair//Trispermia. It was released in 1957 by Coker's Pedigreed Seed Company.

Moregrain (CIAv 7229) is: Arlington/Delair//Trispermis/3/Bond/Fulghum//Victorgrain. It is a 1958 release by Coker's Pedigreed Seed Company.

Milford (PI 159534) is a 1946 oat variety from Wales with the pedigree: Victory/S172 .

PI 287211 is an *Avena sterilis* from Israel described by Morey as crown rust resistant.

CI7330 is a breeding line from Oklahoma State Univ with the pedigree:

TAMO-301 (CIAv 9198) was released by Texas A&M in 1973. Its pedigree is listed as: Ab555/3/Ora/63C3868-4-2//Ora/PI295919*3 .

PI295919 is an *Avena sterilis* form Israel with no available information in GRIN.

Ora (CIAv 7976) is a 1964 University of Arkansas release with the pedigree: Lee/Victoria//Fulwin/3/Bonda/4/Landhafer/5/Moregrain .

TAMO 312 (CIAv 9199) was released by Texas A&M in 1973. Its pedigree is: Ab555/3/Ora/63C3868-4-2//Alamo-X/ PI296244 .

CI9221 is MN 711029B. It was described by Rothman as: Crown rust resistant. Combined the late-rusting trait of *Avena sterilis* CI8377 with the recessive gene pg-12 for seedling resistance to stem rust. Its pedigree is: CI8377(*Avena sterilis*)/Kyto

Breeding History:

- 1993 - 39th cross made in 1993 = LA9339
 - F1 plants grown in summer nursery at USDA facility in Aberdeen, ID
- 1994 - F2 population grown at Ben Hur Research Farm in Baton Rouge with selection for plant type and rust reaction.
 - F3 population grown in summer nursery at Aberdeen, ID.
- 1995 - F3:4 headrow at Ben Hur Research Farm in Baton Rouge, LA. Selection for plant type, tillering, disease resistance. Single head selection.
- 1996 - F4:5 headrow 252 at Ben Hur Research Farm in Baton Rouge, LA. Selection for plant type, tillering, disease resistance. Entire row selected.
- 1997 - F5:6 headrow 252 at Ben Hur. Entire row selected.
- 1998 - F5:7 yield plot in Oat prelim-B. Rogued and purified.
- 1999 - LA9339E45 tested in oat prelim-A. Purification seed strips produced at Winnsboro, LA.
- 2000 - LA9339E45 tested in statewide trials. Seed strips produced at Winnsboro, LA.
- 2001 - LA9339E45 tested statewide trials and in regional nurseries. Strip seed increases grown at Winnsboro, LA.
- 2002 - breeder seed produced by University of Florida Foundation Seed at Marianna, FL.

Selection and Observed Characters

LA9339 is an F₅ derived line. Selection criteria is outlined above and included selection for crown and stem rust resistance and plant type in each generation. The variety has been shown to be true-breeding across multiple generations and environments.

Stability:

The variety has been observed to be stable and uniform across multiple locations from 1998 through 2004 (seven generations).

Variants

The variety has a low frequency of variants that include:

1. Slightly shorter (up to 8 cm) variants occur at up to 0.25% frequency.
2. Slightly more open head types at a frequency of up to 0.25% frequency.

2005 00 004

Exhibit B
Novelty Statement
LA9339 oat
October 2004

LA9339 is most similar to 'Harrison' (PVP 9500241) oat. Both are tall winter forage-type oats. LA9339 and Harrison have upright leaves that project upward past the panicle tips during grainfill. They have similar maturities and plant heights. Leaves of both are mid-dark green (RHS137A).

LA9339 has broader leaves than Harrison. Leaves of Harrison are 20 mm whereas those of LA9339 are 23 mm.

LA9339 is resistant to stem rust whereas Harrison is very susceptible.

Seed (groats) of LA9339 are bright, light yellow (RHS162D) whereas Harrison has dark-colored (RHS 164B) seed that become quite dark with weathering.

Stem diameter of Harrison is medium whereas stem diameter of LA9339 is coarse.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 051-0055. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Oat (*Avena* spp.)

NAME OF APPLICANT (S) Board of Supervisors of Louisiana State University and A&M College	TEMPORARY OR EXPERIMENTAL DESIGNATION LA9339E45	VARIETY NAME LA9339
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) LSU AgCenter 104 J. Norman Efferson Hall PO Box 25055 Baton Rouge, LA 70894		FOR OFFICIAL USE ONLY PVPO NUMBER 2005 00004

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (i.e., or) when the number is either 99 or less or 9 or less.

1. SPECIES:

1 = Sativa

2 = Byzantina

3 = Other (Specify) _____

2. GROWTH HABIT:

1 = Winter

2 = Semi-Winter

3 = Spring

Juvenile Growth:

1 = Prostrate

2 = Semi-Prostrate

3 = Erect

3. MATURITY: (50% Flowering)

Number of days

No. Days Earlier Than

* _____

Same as Check

* _____

No. of Days Later Than

* Harrison ; 8 days later than TAMO 397

Season

1 = Very Early (Jaycee) 2 = Early (Nodaway 70) 3 = Midseason (Clintford)
4 = Late (Lodi) 5 = Very Late (Gerry) 6 = Extremely Late (Mackinaw)

4. PLANT HEIGHT: (From Soil Level to Top of Head)

cm Tall

cm Shorter Than

* Harrison

Same as Check

* _____

cm Taller Than

* Tamd 397

* Relative to a Commercial Variety Grown in the Same Trial

5. STEM:

Diameter: 1 = Fine (Kherson) 2 = Medium (Clintford) 3 = Coarse (Nodaway 70)
 Hairiness at Upper Culm Nodes: 1 = Hairless 2 = Hairy
 Mature Stem Color 1 = Yellow 2 = Reddish

6. LEAF: (Leaf Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

Carriage: 1 = Drooping (Random) 2 = Erect (Walken)
 R.H.S. 137A
 Color: 1 = Yellow Green 2 = Light Green 3 = Dark Green 4 = Blue Green
 \pm 2 mm Width (First leaf below flag leaf) Leaf Margin: 1 = Glabrous 2 = Ciliate
 Ligule: 1 = Absent 2 = Present Leaf Sheath: 1 = Hairless 2 = Hairy

7. HEAD:

Panicle Shape: 1 = Equilateral 2 = Intermediate 3 = Side Panicle (Unilateral)
 Attachment of Lower Whorl of Branches: 1 = First Node 2 = Second Node (False Node)
 Panicle Size: 1 = Small (Yancey) 2 = Medium (Walken) 3 = Large (Markton)
 Panicle Width: 1 = Narrow (Gopher) 2 = Midbroad (Yancy) 3 = Broad (Nodaway 70)
 cm Panicle Length Number of Branches Number of Whorls of Branches
 Position of Branches: 1 = Ascending (Yancey) 2 = Spreading (Cayuse) 3 = Drooping (Markton)
 4 = Pectinate (White Tarter) 5 = Confused (Storm King)

8. RACHIS:

1 = Recurved (Yancey) 2 = Erect (Walken) mm Second Floret Rachilla Segment Length
 Second Floret Rachilla Segment: 1 = Hairless 2 = Hairy Rachilla Hairs: 1 = Short 2 = Long

9. SPIKELET:

Spikelet Separation by: 1 = Abscission 2 = Semi-Abscission 3 = Fracture
 Floret Separation by: 1 = Disarticulation 2 = Heterofracture 3 = Basifracture
 Florets per Spikelet (Mean no.)

10. GLUMES: (Glume Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

mm Width mm Length No. of Veins on Glumes Color: 1 = White 2 = Yellow 3 = Red 4 = Striped

11. LEMMA: (Lemma Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

mm Length R.H.S. 161A
 Color: 1 = White 2 = Yellow 3 = Red 4 = Gray 5 = Black
 Hairiness of Dorsal Surface: 1 = Hairless 2 = Hairy

12. AWN: (First Floret)

Occurrence: 1 = Absent (Walken) 2 = Infrequent (Yancey) 3 = Common (Chilocco) 4 = Frequent (Random)
 Type: 1 = Non-twisted 2 = Twisted 3 = Twisted Geniculate
 mm Awn Length

13. SEED:

☐
☒

Florescence Under Ultraviolet Light:

1 = Florescent

2 = Non-florescent

Basal Hair

1 = Absent (Florida 501)

4 = Several to Numerous (Florilee)

2 = Absent to Few (Yancey)

5 = Numerous (Red Rustproof)

3 = Few to Several (Lee)

☐.☐

mm Basal Hair Length

.

gms per 1000 Seeds

mg Groat Weight (Each)

.

% Groat Protein

.

% Groat Oil

14. INSECTS: (0 = Not Tested 1 = Susceptible 2 = Resistant)

Cereal Leaf Beetle

☐

Bluegrass Billbug

☐

Grain Bug (C. Sayi)

☐

Nematode (Type)

Green Bug (Biotype)

☐

Other (Specify)

15. DISEASE: (0 = Not Tested 1 = Susceptible 2 = Resistant)

Halo Blight

Powdery Mildew

Septoria Leaf Blotch

Soil-Borne Mosaic

Helminthosporium
Leaf Blotch

Yellow Dwarf Virus

Victoria Blight

Other (Specify)

Specify Races Tested:

Crown Rust

Stem Rust

Covered Smut

Loose Smut

Races Susceptible	Races Resistant

16. INDICATE THE VARIETY YOU BELIEVE MOST CLOSELY TO RESEMBLE THAT SUBMITTED:

CHARACTER	VARIETY	CHARACTER	VARIETY
Plant Tillering	Horizon 314	Leaf Color	Harrison
Leaf Size	Coker 820	Leaf Carriage	Harrison
Seed Color	Horizon 314	Seed Shape	Horizon 314

COMMENTS:

Leaves are very broad, like Coker 820. Leave protrude upward above panicle like Harrison.

LA9339 oat
Exhibit D
Additional Description of Variety

The Louisiana Agricultural Experiment Station oat breeding program released LA9339E45 winter oat. LA9339 has excellent grain yield and superior forage potential. It averaged 124.4 bu/acre across 11 locations in the 2001 USDA Uniform Winter Oat Yield Nursery (01UWOYN) compared to 121.6 bu/acre for Horizon 314 and 122.8 bu/acre for Harrison. It had a test weight of 34.6 lbs/bu compared to 31.9 lbs/bu and 35.3 lbs/bu for Horizon 314 and Harrison.

LA9339 is a mid-tall oat variety, slightly taller than Horizon 314 and slightly shorter than Harrison. It averaged 47.4" across 11 locations in the 2001 USDA Uniform Winter Oat Yield Nursery (01UWOYN), compared to 46.5" for Horizon 314 and 47.7" for Harrison. It stands well and had a slightly lower lodging score (2.7) than that of Horizon 314 (3.1) in the 01UWOYN. LA9339 has a medium heading date, equal to that of Harrison (99 days in 01UWOYN) and two days earlier than that of Horizon 314.

LA9339 has upright leaves during grainfill, with leaves protruding upward through the panicles, but not as upright as those of Harrison. Leaves are dark green and medium-wide width. Seed of LA9339 are light yellow and mid-sized, similar to seed of Harrison but lighter in color. The seed of LA9339 are plump, like those of Harrison, but are slightly more elongated. They are larger and lighter in color than those of Horizon 474.

LA9339 has excellent crown rust resistance and very good stem rust resistance. It had a crown rust rating of 0.3 in the 01UWOYN where 0 indicates no rust and 9 indicates highly susceptible (100%). In the same trials Horizon 314 had a rating of 0.9 and Harrison had a rating of 2.6. Averaged over six environments in Louisiana (2002 and 2003), LA9339 had 0% crown rust compared to 2% for Horizon 314, 1% for Harrison, and 82% for Brooks. LA9339 had a stem rust rating of 0.4 (where 9 = 100%) compared to 2.9 for Harrison. 2.4 for Horizon 474, and 0.0 for Horizon 314 in the above tests.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Board of Supervisors of Louisiana State University and A&M College	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER LA9339E45	3. VARIETY NAME LA9339
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) LSU AgCenter 104 J. Norman Efferson Hall PO Box 25055 Baton Rouge, LA 70894	5. TELEPHONE (Include area code) (225) 578-2110	6. FAX (Include area code) (225) 578-1403
	7. PVPO NUMBER 2005 00 004	

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.

☒

YES

☐

NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.

☒

YES

☐

NO

10. Is the applicant the original owner?

☒

YES

☐

NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐

YES

☐

NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐

YES

☐

NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

Licensed to Ragan & Massey Seed Co. for exclusive marketing

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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